

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion to address the issue of customers' electric and natural gas service disconnection.

Rulemaking10-02-005
(Filed February 4, 2010)

**DECISION GRANTING COMPENSATION TO THE GREENLINING INSTITUTE
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 14-06-036**

Intervenor: The Greenlining Institute	For contribution to Decision (D.) 14-06-036
Claimed: \$10,201.50	Awarded: \$10,201.50
Assigned Commissioner: Michel Peter Florio	Assigned Administrative Law Judge (ALJ): ALJ Maryam Ebke

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	This decision approves the Residential Settlement Agreement submitted on April 1, 2014, by the Office of Ratepayer Advocates, The Utility Reform Network, The Greenlining Institute, Center for Accessible Technology, Pacific Gas and Electric Company, Southern California Edison, San Diego Gas & Electric Company, and Southern California Gas Company, collectively, the Settling Parties.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	n/a	
2. Other specified date for NOI:	3/5/2010	March 8, 2010
3. Date NOI filed:	3/5/2010	Yes
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.10-02-005	Yes
6. Date of ALJ ruling:	March 29, 2010	Yes
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.10-02-005	Yes
10. Date of ALJ ruling:	3/29/2010	Yes
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-06-036	Yes
14. Date of issuance of Final Order or Decision:	06/30/2014	Yes
15. File date of compensation request:	8/28/14	Yes
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION**A. Claimant's description of its substantial contribution to the final decision (see § 1802(i), § 1803(a), and D.98-04-059).**

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>1. Greenlining, along with TURN, CforAT, and ORA reached a settlement agreement with PG&E, SCE, SDG&E, and SCG to maintain most of the credit, collection, disconnection policies adopted in D.12-03-054 and D.10-12-054. The settlement also includes additional customer service and communications practices and policies to address issues articulated in, or related to, this rulemaking.</p> <p>The Settlement:</p> <ul style="list-style-type: none"> - Continues the requirement to provide in-person field visits prior to, or at the time of, disconnection for special needs profiled customers, including Medical Baseline, Life Support, and customers who self certify that they have a serious illness or condition that could become life threatening if service is disconnected. Customers will not be charged a fee for the visit. The settlement continues current utility practices for collecting customer payments during the field visit. - Continues required practices for effective communications, including 	<p><i>See</i> Settlement Agreement adopted in D.12-03-054 and compare with Greenlining litigation positions on:</p> <ul style="list-style-type: none"> - In person field visits (Reply Comments of Greenlining on the Order Instituting Rulemaking, 4/2/10, p. 16; Opening Comments of the Greenlining Institute on the Proposed Decision of Commissioner Grueneich, 7/7/10, pp. 8-9; Reply Comments of the Greenlining Institute on the PD of Commissioner Grueneich, 7/12/10, pp. 4-5.) - Communication practices for disconnection notices (Joint Opening Comments of the Greenlining Institute and Disability Rights Advocates on the Order Instituting Rulemaking, 3/12/10, pp. 2-8; Reply Comments of Greenlining on the Order Instituting Rulemaking, 4/2/10, pp. 7-10; Opening Comments on the ALJ's Ruling, 9/15/10, pp. 4-5.) - CARE enrollment over the phone with a live customer service representative (Opening Comments on the ALJ's Ruling Providing Opportunity for Comments on Phase II Issues, 5/20/11, pp. 5-7; Reply Comments on the ALJ's Ruling Providing Opportunity for Comments on Phase II Issues, 5/31/11, p. 3.) - Payment plans (Reply Comments of Greenlining on the Order Instituting Rulemaking, 4/2/10, pp. 3-5; 	<p>Greenlining's representation of the terms of the settlement approved in D.14-06-036 is accurate and its description of its prior litigation positions is also accurate. Pursuant to D.94-10-029, the Commission has discretion to award compensation to parties who participated in settlement agreements, when there is a finding that they made a substantial contribution to a decision. We find that Greenlining's participation in the settlement made a substantial contribution to D.14-06-036.</p> <p>We clarify that Greenlining's Opening Comments on the Proposed Decision of Commissioner Grueneich were filed on July 8, 2010, not July 7, 2010.</p>

<p>the requirement that PG&E and SCE provide information in the five most common non-English languages in their service territory along with the Final Call Notice. The settlement continues requirements for SDG&E and SCG to make live 48-hour notice calls, repeat calls and text messages, and outbound calls to CARE customers who are falling behind on their bills.</p> <ul style="list-style-type: none"> - Continues the requirement that all utilities continue to enroll eligible customers in CARE over the phone, with a live agent. Directs that this practice be included in the IOUs next program cycle applications. - Provides for a series of payment plan pilots, which differ between the IOUs, all designed to help customers in arrears bring their accounts back into good standing, and to help determine the best models for payment plan offerings in the future. - Provides that the IOUs and parties will work together to collect data relevant to evaluating the pilots' success. The IOUs will provide that data to the parties and together the settling parties will evaluate the pilots' success, based on how well they reduced pay plan defaults and/or overall outstanding 	<p>Opening Comments of the Greenlining Institute on the Proposed Decision of Commissioner Grueneich, 7/7/10, pp. 2-4; Reply Comments of the Greenlining Institute on the PD of Commissioner Grueneich, 7/12/10, pp. 2-3.)</p> <ul style="list-style-type: none"> - Re-establishment of credit deposits (Reply Comments of Greenlining on the Order Instituting Rulemaking, 4/2/10, pp. 5-6; Opening Comments of the Greenlining Institute on the Proposed Decision of Commissioner Grueneich, 7/7/10, pp. 4-6; Reply Comments of the Greenlining Institute on the PD of Commissioner Grueneich, 7/12/10, pp. 3-4.) 	
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<p>arrearages.</p> <ul style="list-style-type: none"> - Continues the calculation of re-establishment of credit deposits as twice the average bill, rather than twice the highest bill. Provides that CARE and FERA customers can amortize their deposit amount over three or six months, depending on the amount. Continues the IOUs' agreement not to charge late-payment or slow-payment deposits. - Provides for quarterly reporting of data collected monthly, on all data points currently being collected with the exception of those related to benchmarks. - Provides that the settling parties will meet semi-annually over the term of the agreement to discuss the status and any unforeseen consequences, positive or negative, of the measures adopted in the agreement. The IOUs agree to inform the parties of any changes to credit and collection policies they anticipate bringing before the Commission. Plans for a meeting in 4th quarter of 2015 to discuss post 2016 treatment of the settlement terms. <p>Greenlining participated actively in all settlement negotiations, as reflected in our recorded time documents attached below. The</p>		
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Commission should find that D.14-06-036 and the settlement it adopted reflect Greenlining's substantial contribution.		
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding? ¹	Yes	Yes
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Yes
c. If so, provide name of other parties: The Utility Reform Network, Disability Rights Advocates/Center for Accessible Technology, National Consumer Law Center.		Yes
d. Intervenor's claim of non-duplication: On all matters in this phase of the proceeding, Greenlining worked collaboratively with the settling parties, to ensure that the interests of our constituency were well represented and that the final agreement reflects a sound compromise for Greenlining as well as the other parties. Among the settling parties, tasks were assigned and volunteered for in a manner that eliminated duplication and maximized efficiency.		Yes

C. Additional Comments on Part II:

#	Intervenor's Comment	CPUC Discussion
2.A	Greenlining did participate in the jointly-filed Reply to the Response of the National Consumer Law Center to the Joint Motion for Adoption of the Settlement (4/25/14) and the Comments on the Proposed Decision of Commissioner Florio (6/16/14). However, Greenlining's lead attorney on the proceeding has since left the organization, and did not record time spent on these filings before leaving. As such, Greenlining will not be claiming compensation	Based on Greenlining's request, we do not compensate Greenlining for the time spent on the filings listed by Greenlining in this section.

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

	for any time spent on those filings.	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§ 1801 and § 1806):

a. Intervenor's claim of cost reasonableness:	CPUC Verified
<p>In this proceeding, Greenlining's advocacy resulted in significant incremental savings for low income consumers at risk of disconnection – the very customers who need that savings the most. In-person field visits for medically vulnerable customers will potentially save lives, as well as thousands of dollars in potential medical bills if a condition is exacerbated by disconnection. Allowing customers to pay their bills at the time of the field visit can prevent disconnection and would save the customer from incurring a re-establishment of credit deposit that could amount to hundreds of dollars in addition to their monthly bills.</p> <p>The provisions providing notice in-language on where to get help when facing disconnection could potentially save limited English-proficient customers hundreds of dollars by connecting them to funds that can help them pay what they owe, as well as potentially preventing disconnection and avoiding a re-establishment of credit deposit. The same is true for the provisions requiring IOU-initiated contact with customers who are at risk of falling behind on their bills.</p> <p>The settlement eliminates the practice of late-payment or slow-payment deposits, as well as the practice of calculating the re-establishment of credit deposit as twice the highest monthly bill. This will save at-risk customers potentially hundreds of dollars and help them stay on top of what they owe. Payment plan provisions will provide affordable relief to thousands of customers who have fallen behind, and help them avoid incurring a deposit.</p> <p>All told, given the still-too-high number of customers who face disconnection every year, these provisions will save customers hundreds of thousands, potentially millions of dollars, when added together. In light of this substantial aggregate savings, Greenlining's costs are very reasonable.</p>	Accepted
b. Reasonableness of hours claimed:	
<p>The fact that the settlement built on practices established in prior decisions made the process quite streamlined and efficient for all parties, including Greenlining. Given the scope of issues covered, Greenlining submits that the small amount of time it spent representing its constituency in negotiations is quite reasonable.</p>	
c. Allocation of hours by issue:	
<p>A. Settlement Negotiations = 95.9%</p> <p>B. General/Procedural = 4.1%</p>	<p>Greenlining could have segmented the hours spent on the settlement negotiations with more specificity. However, given the interrelationship among issues, we accept this allocation</p>

	for this claim.
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B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Enrique Gallardo	2013	11.6	\$390	D.14-02-036	\$4,524.00	11.6	\$390	\$4,524.00
Enrique Gallardo	2014	12.9	\$400	See Comment 2	\$5,160.00	12.9	\$400	\$5,160.00
Subtotal: \$9,684.00						Subtotal: \$9,684.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Stephanie Chen	2014	4.5	\$115	See Comment 2	\$517.50	4.5		\$517.50
Subtotal: \$517.50						Subtotal: \$517.50		
TOTAL REQUEST: \$10,201.50						TOTAL AWARD: \$10,201.50		
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>								
ATTORNEY INFORMATION								

Attorney	Date Admitted to CA BAR²	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Enrique Gallardo	December 9, 1997	191670	Gallardo has been disciplined with suspension by the California State Bar as of 5/27/2015.
Stephanie Chen	August 23, 2010	270917	No

C. CPUC Disallowances and Adjustments:

Item	Reason
2014 Hourly Rate for Enrique Gallardo	Greenlining states that the last Commission approved rate for Enrique Gallardo was \$390, for work done in 2013, citing D.14-02-036. Greenlining seeks a cost-of-living (COLA) adjustment for 2014 and bases its 2014 request on the assumption that the Commission will approve a COLA of 2% for 2014. In Resolution ALJ-303, the Commission approved a COLA of 2.58 % for 2014. We therefore approve an hourly rate of \$ 400 for Gallardo for 2014.
2013 and 2014 Hourly Rates for Stephanie Chen	Greenlining states that the last Commission approved hourly rate for Stephanie Chen was \$220 for work done in 2012 in D.13-10-033. Resolution ALJ-287 approved a 2% COLA for 2013 rates, resulting in a 2013 hourly rate for Ms. Chen of \$225. Resolution ALJ-303 approved a 2.58% COLA for 2014, resulting in a 2014 hourly rate for Ms. Chen of \$ 230.
Hours Claimed by Enrique Gallardo	<p>The hours claimed for Enrique Gallardo were listed under the years 2013 and 2014 respectively, but the specific entries had dates of 2009 and 2010. Gallardo has since left Greenlining. However, upon inquiry to Greenlining, Chen submitted further timesheets which demonstrate that the work claimed for Gallardo occurred in 2013 and 2014, and that the other dates (2009 and 2010) were typographical transposition errors.</p> <p>We also note that according to the California State Bar website, as of 5/27/2015, Gallardo has been disciplined with suspension. However, Gallardo was a California State Bar member in good standing at the time the work for which Greenlining seeks compensation was performed. Thus, this suspension does not affect our award here.</p>

² This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

1. Greenlining has made a substantial contribution to D.14-06-036.
2. The requested hourly rates for Greenlining's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$10,201.50.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Greenlining Institute shall be awarded \$10,201.50.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company shall pay The Greenlining Institute their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2014 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning November 11, 2014, the 75th day after the filing of The Greenlining Institute's request, and continuing until full payment is made.

3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at San Francisco, California

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? No
Contribution Decision(s):	D1406036	
Proceeding(s):	R1002005	
Author:	ALJ Ebke	
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Disallowance
The Greenlining Institute	8/28/2014	\$ 10,201.50	\$10,201.50	n/a	No change to request

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Enrique	Gallardo	Attorney	The Greenlining Institute	\$390	2013	\$390
Enrique	Gallardo	Attorney	The Greenlining Institute	\$400	2014	\$400
Stephanie	Chen	Attorney	The Greenlining Institute	\$230	2014	\$230

(END OF APPENDIX)